m-f

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,429	02/15/2001	Eric D. Edwards	50N3690.01/1581	5071

24272 7590 09/07/2006

Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

EXAMINER	
VIEAUX, GARY	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/784,429	EDWARDS ET AL.	
	Examiner	Art Unit	
	Gary C. Vieaux	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2006, has been entered.

Amendment

In response to the most recent Office Action, dated May 16, 2006, claims 1, 5-7, 11, 15, 21, 25-27, 31, 35, and 42 have been amended. Claims 46-47 have been added.

Response to Amendment

Applicant is reminded that the prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims. Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP § 2163.06 and § 714.02.

Response to Arguments

Applicant's arguments with respect to claims 1-43, as they pertain to amended claim limitations, have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 44, Applicant submits, on page 28 of the Remarks, that it would not have been obvious to a person of ordinary skill at the time of the invention to develop the claimed invention and challenges the Examiner's findings, which includes the use of Official Notice.

However, Applicant's attempted traverse is inadequate. "To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." See MPEP §2144.03 [R-1]. Because the Applicant has not specifically pointed out the supposed errors in the Examiner's action, including stating why the noticed fact is not considered to be common knowledge or well-known in the art, the Examiner finds the traversal to be inadequate. Therefore, the rejection to claim 44 continues to be maintained by the Examiner.

Regarding claim 45, Applicant submits, on page 12 of the Remarks, that the Tsubaki reference (US 6,701,058) does not anticipate or make obvious the Applicant's invention. The Examiner respectfully disagrees.

The language of claim 45 is as follows: "A system for transferring data, comprising: means for capturing said data into data buffers; means for receiving said

data for subsequent access by a system user; and means for transferring said data from said means for capturing to said means for receiving."

Tsubaki discloses a system for transferring data comprising an imaging device that captures and stores images (fig. 1 indicator 10), a data destination configured to receive transferred images (fig. 1 indicator 20), and a transfer manager of the imaging device that monitors the memory of the imaging device and automatically transfers the images when a predetermined threshold is exceeded (fig. 5, col. 7 lines 20-32; col. 8 line 63 – col. 9 line 2.)

Based on the foregoing, every limitation is met by the Tsubaki reference, and for that reason the Tsubaki reference is found to anticipate the Applicant's claimed invention. Therefore, the rejection to claim 45 is maintained by the Examiner.

Claim Rejections

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 21, 42, and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 21, after review of the application, nowhere within the disclosure was subject matter found to fully support a predetermined threshold amount that is "freely selectable from any numerical value" as recited in amended claims 1 and 21, which would reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed, as required by 35 U.S.C. 112, first paragraph.

Regarding claim 42, after review of the application, nowhere within the disclosure was subject matter found to fully support "said first format being incompatible with said data destination", which would reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed, as required by 35 U.S.C. 112, first paragraph. However, support for translating an initial format of captured image data into an uploadable format of the same image data that is compatible with a selected data destination is supported (p. 10 lines 27-32), and, for the purposes of evaluation of the claim on its merits, will be read as such.

Claim 46 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 46, after review of the application, the disclosure was not found to describe or provide how said *transfer manager of said imaging device* would maintain control of the transfer of said data to said data destination in a non-wireless manner after the data has been stored in a removable storage device. (Emphasis added by

Examiner.) Information or disclosure as to the manner to which the transfer manager of said imaging device maintains control of said data until the point at which it reaches the data destination, as currently claimed, has not been provided.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

Claims 1, 5, 21, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 21 first provide for a data transfer procedure if a total amount of data stored in the data buffers *is greater than a predetermined threshold amount*, but then later define *the predetermined threshold amount being equal to* said total amount of data currently stored in said data buffers (Emphasis added by Examiner.) Support for this limitation and enablement issues set aside, a transfer procedure would never occur because the predetermined threshold amount would always equal, and thus never be greater than, the data currently stored in said data buffers. Therefore, the amended limitation is rendered indefinite, as one of ordinary skill in the art would not be able to plainly ascertain the criteria necessary to initiate a data transfer procedure.

For the purposes of examination on the merits of the claims, the claims will be interpreted to read a transfer procedure occurring when the data currently stored in the data buffers is greater than a predetermined threshold amount, as "is greater than" is

equivalent to "exceeds" as found on line 21 of page 3 and on line 15 of page 16 of the specification.

Claims 5 and 25 employ the term "sub-standard", which is a relative term that renders the claim indefinite. The term "sub-standard" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation implemented is rendered indefinite, as the parameters of "sub-standard" are not defined so as to differentiate what is considered sub-standard by one of ordinary skill in the art from that which is considered sub-standard by another of ordinary skill in the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (US 5,737,491.)

Regarding claim 45, Allen discloses a system for transferring data comprising means for capturing said data into data buffers (fig. 1 indicators 10 and 22; col. 2 lines 35-40), means for receiving said data for subsequent access by a system user (fig. 1 indicator 34; col. 2 lines 1-7), and means for transferring said data from said means for capturing to said means for receiving (fig. 1; col. 3 lines 11-14.)

Claim 45 is rejected under 35 U.S.C. 102(e) as being anticipated by Tsubaki (US 6,701,058.)

Regarding claim 45, Tsubaki discloses a system for transferring data comprising means for capturing said data into data buffers (fig. 1 indicator 10), means for receiving said data for subsequent access by a system user (fig. 1 indicator 20), and means for transferring said data from said imaging device to said data destination (fig. 5; col. 7 lines 20-32; col. 8 line 63 – col. 9 line 2.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 21-25, 41, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in further view of Hansen (US 6,317,639.)

Regarding claim 1, Allen discloses a system for transferring data in which images from a digital camera (col. 2 lines 35-40), along with user identification (col. 2 lines 8-10), are sent to a selected destination (col. 3 lines 11-12) configured to receive the images and categorize them by referencing the user information (col. 3 lines 14-26.) However, Allen is not found to disclose a transfer manager of said imaging device for transferring said data from said imaging device to said data destination, said transfer manager monitoring said data buffers, and transferring said data in a data transfer procedure if a total amount of said data stored in said data buffers is greater than a predetermined threshold amount, said transfer manager performing a repeat transfer procedure whenever said data destination fails to successfully receive said data, said transfer manager continuing to perform additional ones of said repeat transfer procedure until said data is successfully transferred to said data destination.

Nevertheless, Tsubaki is found to teach a system for transferring data comprising an imaging device that captures and stores images (fig. 1 indicator 10), a data destination configured to receive transferred images (fig. 1 indicator 20), and a transfer manager of the imaging device that monitors the memory of the imaging device and automatically transfers the images when a predetermined threshold is exceeded (col. 8 lines 6-9 and line 63 – col. 9 line 2.) It would have been obvious to one of ordinary skill in the art at the time of the invention that a transfer occurring "if a total amount of said data stored in said data buffers is greater than a predetermined threshold amount" is synonymous with a transfer occurring if a total amount of residual capacity in the data buffers is less than a predetermined threshold amount; analogous to emptying a glass

when it either becomes more than half full or it becomes less than half empty. It would have also been obvious to one of ordinary skill in the art at the time of the invention to combine the automatic transferal of images as taught by Tsubaki with the system as taught by Allen, in order to create a system that automatically freed up camera storage for additional pictures.

Further, one of ordinary skill in the art of data transmission faced with the problem of successfully transferring data would look to the solutions of others faced with the problem of successfully transferring data between a source and a destination. One such solution is the repeated transmission of data until successful transfer is achieved. Hansen (US 6,317,639) teaches performing a repeat transfer procedure whenever a data destination fails to successfully receive the data, continuing to perform repeated transfer procedures until the data is successfully transferred (col. 10 lines 20-45.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate repeated data transmissions as taught by Hansen with the system as taught by Allen and Tsubaki, in order to insure that the data is successfully transmitted to the data destination.

Regarding claim 2, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 2 (see the 103(a) rejection to claim 1 supra) including disclosing a system wherein said transfer manager utilizes a wireless communications technique to transfer said data over a wireless network from said imaging device to said data destination ('491 – col. 3 lines 11-14; '058 – col. 11 lines 7-10.)

Regarding claim 3, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 3 (see the 103(a) rejection to claim 1 supra) including disclosing a system wherein said imaging device is implemented as a digital camera device, and wherein said data includes image data and related identification information ('491 – col. 4 lines 51-57; '058 – col. 7 lines 15-20 and col. 9 lines 24-26.)

Regarding claim 4, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 4 (see the 103(a) rejection to claim 1 supra) including wherein an information source provides identification information to said imaging device for routing said data during a data transfer procedure ('491 – col. 2 lines 48-51), said identification information including said user identifier for identifying said imaging device ('491 – col. 3 lines 8-10) and a destination identifier for identifying said data destination ('491 – col. 2 lines 1-7, col. 3 lines 11-14.)

Regarding claim 5, Allen, Tsubaki, and Hansen disclose all the limitations of claim 5 (see the 103(a) rejection to claim 4 supra) including disclosing wherein said imaging device captures said data using a capture subsystem, and then temporarily stores said data into data buffers ('491 –col. 2 lines 34-39), said data buffers employing a smaller memory-size configuration ('058 – col. 1 lines 20-30; col. 1 line 64 – col. 2 line 4; col. 8 lines 3-5.)

Regarding claims 21-25, although the wording is different, the material is considered substantively equivalent to claims 1-5, respectively, as discussed above.

Regarding claim 41, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 41 (see the 103(a) rejection to claim 1/21 supra) including disclosing a method

wherein said imaging device is implemented without removable storage media capabilities ('491 – col. 1 lines 21-24.) It is noted that Allen, in addition to the option of a removable solid-state memory card, provides for other options of non-removable media storage; including both a solid-state memory and a hard drive on the camera.

Regarding claim 43, Allen, Tsubaki, and Hansen disclose all the limitations of claim 21 (see the 102(e) rejection to claim 1/21 supra), in addition to disclosing a method wherein said transfer manager transmits said data from said imaging device to said data destination by utilizing a cellular telephone network ('491 – col. 3 lines 5-8; '058 – col. 11 lines 7-10.)

Regarding claim 46, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 46 (see the 103(a) rejection to claim 1/21 supra) except for explicitly disclosing a method wherein a system user manually instructs said transfer manager to transfer said data to said data destination in a non-wireless manner by storing said data to a removable storage device. Nevertheless, Tsubaki discloses the current state of the art to which an improvement is sought, in which transfers occur by operation of the user ('058 – col. 1 lines 48-51; col. 2 lines 16-17.) It would have been obvious to one of ordinary skill in the art at the time of the invention, given the state of the art at the time of the invention, to effect transfer via a system user in order to give a user more control over operation of an imaging device. Furthermore, Tsubaki also discloses the current state of the art to which an improvement is sought, in which transfers occur by means of a removable storage device (col. 1 lines 20-30.) It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer said data to said data

destination in a non-wireless manner by storing said data to a removable storage device in order to establish a secure means of data transfer.

Claims 6-10, 12, 15, 17-18, 26-30, 32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in further view of Strandwitz et al. (US 6,522,352.)

Regarding claim 6, Allen, Tsubaki, and Hansen disclose all the limitations of claim 6 (see the 103(a) rejection to claim 5 supra) except wherein said transfer manager performs an arbitration procedure with a wireless communications network to transfer said data to said data destination, said transfer manager being authorized by said wireless communications network to perform said data transfer procedure when sufficient bandwidth is available on said wireless communications network for transferring a specified amount of said data.

Nevertheless, Strandwitz discloses arbitration of bandwidth upon a wireless network in which a camera is not allowed to transfer a data burst (fig. 5) unless the transfer is operable within the available bandwidth (col. 11 lines 11-33.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate controlling the transfer of a data burst when sufficient bandwidth is available within a wireless network as taught by Strandwitz, with the system as taught by Allen, Tsubaki, and Hansen, as a means to ensure the transfer of the data burst from an imaging device to a data destination within the required transmission parameters of the network.

Regarding claim 7, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 7 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager monitors said data buffers, and automatically initiates said arbitration procedure whenever said data stored in said data buffers reaches said predetermined threshold amount ('058 – col. 8 lines 6-9 and line 63 – col. 9 line 2.)

Regarding claim 8, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 8 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager initiates said arbitration procedure in response to a system-user authorization event that is caused by a system user activating a user interface on said imaging device ('058 – col. 7 line 60 – col. 8 line 12, col. 8 line 63 – col. 9 line 2, which would inherently occur upon a user capturing the particular image that causes memory used to be greater than determined.)

Regarding claim 9, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 9 (see the 103(a) rejection to claim 6 supra) including wherein said transfer manager transfers said data from said data buffers to said wireless communications network for transmitting to said data destination ('058 – col. 8 lines 36-44.)

Regarding claim 10, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 10 (see the 103(a) rejection to claim 9 supra) in addition to disclosing a system wherein said transfer manager and a display manager provide status information regarding said data transfer procedure by utilizing a user interface of said imaging device ('058 – col. 8 lines 26-32.) In light of the teachings of Tsubaki regarding

displaying status information to alert a user to data transfer issues, it would have also been obvious to one of ordinary skill in the art at the time of the invention to provide status information to alert a user to problems relating to arbitration, which is interpreted as a data transfer issue as well, such as the case when sufficient bandwidth is unavailable, resulting in a similar impossibility in communication.

Regarding claim 12, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 12 (see the 103(a) rejection to claim 9 supra) including wherein said wireless communications network routes said data from said imaging device to said data destination, said wireless communication network identifying said data destination by referring to said destination identifier from said identification information ('491 – col. 2 lines 1-7, col. 3 lines 11-14.)

Regarding claim 15, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 15 (see the 103(a) rejection to claim 12 supra) as well as teaching a system in which a negative acknowledgement message is sent if data is not received correctly, and which provides an opportunity for the transmitter to repeat the data transmission until said data transfer procedure is successfully completed ('352 –col. 8 lines 58-67, in which a negative acknowledgement message is provided; '639 – col. 10 lines 20-45, repeat transfer.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the controller of said data destination to send an error message to said imaging device by said wireless communications network after determining that said data and said identification information have not been successfully received, and to have said transfer manager repeat said data transfer procedure in

response to the first unsuccessful attempt, for the purpose of being able to know if the data transmission was received, and for the purpose of enabling the system to continue to function without unnecessary user intervention when an unsuccessful transmission occurs.

Regarding claim 17, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 17 (see the 103(a) rejection to claim 9 supra) including wherein a controller of said data destination analyzes said user identifier from said identification information to identify at least one of said system user and said imaging device, said controller then associating said data with said at least one of said system user and said imaging device ('491 – col. 3 lines 18-26.)

Regarding claim 18, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 18 (see the 103(a) rejection to claim 17 supra) including wherein said controller stores said data into a data file location that uniquely correspond with, and is identifiable with, said at least one of said system user and said imaging device ('491 – col. 3 lines 8-26.)

Regarding claims 26-30, 32 and 37-38, although the wording is different, the material is considered substantively equivalent to claims 6-10, 12, and 17-18, respectively, as discussed above.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen

(US 6,317,639), in view of Strandwitz et al. (US 6,522,352), in further view of Scorse et al. (US 5,128,776.)

Regarding claim 11, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 11 (see the 103(a) rejection to claim 9 supra) but are not found to disclose details on the transfer method of data transfer to the data destination.

Nevertheless, Scorse et al. disclose a prioritized image transmission system where data is transmitted in the form of multiple message blocks. Each block is checked for error and if errors are found, the receiver sends a list of bad blocks back to the transmitter requesting those be resent (col. 8, lines 25-53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the systems taught by Allen, Tsubaki, Hansen, and Strandwitz by using a method of partial data transfer as taught by Scorse for the benefit of having efficient means for detecting data transfer errors.

Regarding claim 31, although the wording is different, the material is considered substantively equivalent to claim 11, as discussed above.

Claims 13, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in view of Strandwitz et al. (US 6,522,352), in further view of Callaghan et al. (US 6,058,304.)

Regarding claim 13, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 13 (see the 103(a) rejection to claim 12 supra) except wherein a

controller of said data destination sends a transfer confirmation to said imaging device by said wireless communications network after successfully receiving said data and said identification information.

One of ordinary skill in the art of transmitting data, when faced with the problem of verifying if data was or was not received, would look to the solutions of others faced with verification of the reception of data. One such solution is the use confirmation signals. Callaghan (US 6,058,304) teaches sending a message to confirm whether successful transmission of data has occurred and then displays the message to a user (col. 12 lines 7-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include a message to signify a successful transfer as taught by Callaghan with the system as taught by Allen, Tsubaki, Hansen, and Strandwitz so that a user would know if the transmission was successful.

Regarding claim 33, although the wording is different, the material is considered substantively equivalent to claim 13, as discussed above.

Claims 14 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in view of Strandwitz et al. (US 6,522,352), in view of Callaghan et al. (US 6,058,304), in further view of Kanevsky et al. (US 6,393,470.)

Regarding claim 14, Allen, Tsubaki, Hansen, Strandwitz, and Callaghan disclose all the limitations of claim 14 (see the 103(a) rejection to claim 13 supra) including wherein a transfer manager and a display manager display said transfer confirmation on

a user interface of said imaging device ('304 – col. 12 lines 7-11.) However, although none of the references are found to explicitly disclose an imaging device also erasing said data from said data buffers in response to said transfer confirmation, Tsubaki is found to disclose erasure of image data after transmission ('058 – col. 8 lines 54-58.)

Nevertheless, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to erase the data as taught by Kanevski, after successful transfer of data has been confirmed as taught by Allen, Tsubaki, Hansen, Strandwitz, and Callaghan, so that not only is the system free to acquire more data, but the user is also in possession the knowledge that he/she is free to acquire more data, without the fear or uncertainty of not having enough memory for further acquisitions.

Regarding claim 34, although the wording is different, the material is considered substantively equivalent to claim 14, as discussed above.

Regarding claim 35, Allen, Tsubaki, Hansen, Strandwitz, Callaghan, and Kanevsky disclose all the limitations of claim 34 (see the 103(a) rejection to claims 14/34 supra), as well as teaching a system in which a negative acknowledgement message is sent if data is not received correctly, and which provides an opportunity to repeat the data transmission ('352 –col. 8 lines 58-67, in which a negative acknowledgement message is provided, in addition to a re-try by the transmitter; '639 – col. 10 lines 20-45, repeat transfer.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the controller of said data destination to send an

error message to said imaging device by said wireless communications network after determining that said data and said identification information have not been successfully received, and said transfer manager responsively repeating said data transfer procedure to retransmit said data from said data buffers to said data destination, for the purpose of being able to know if the data transmission was received, and for the purpose of enabling the system to continue to function without unnecessary user intervention when an unsuccessful transmission occurs.

Regarding claim 36, Allen, Tsubaki, Hansen, Strandwitz, Callaghan, and Kanevsky disclose all the limitations of claim 36 (see the 103(a) rejection to claim 35 supra), as well as including a teaching by Callaghan of a system wherein an message is received and displayed if a transmission is unsuccessful ('304 – col. 12 lines 7-11), and a teaching by Kanevski of a system that stores the data until instructed to erase it ('470 – col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of an error message as taught by Callaghan, in combination with continuing to store data until successful transfer is verified, within the system as taught by Allen, Tsubaki, Hansen, Strandwitz, Callaghan, and Kanevsky, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in view of Strandwitz et al. (US 6,522,352), in further view of Callaghan et al. (US 6,058,304), in further view of Kanevsky et al. (US 6,393,470.)

Regarding claim 16, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 16 (see the 103(a) rejection to claim 15 supra) except for disclosing wherein said transfer manager and a display manager display said error message on a user interface of said imaging device, said imaging device continuing to store said data in said data buffers until subsequently receiving a transfer confirmation from said data destination. However, although none of the references are found to explicitly disclose an imaging device also erasing said data from said data buffers in response to said transfer confirmation, Tsubaki is found to disclose erasure of image data after transmission ('058 – col. 8 lines 54-58.)

One of ordinary skill in the art of transmitting data, when faced with the problem of verifying if data was or was not received, would look to the solutions of others faced with verification of the reception of data. One such solution is the use confirmation signals. Callaghan (US 6,058,304) teaches sending a message to confirm whether or not a successful transmission of data has occurred and then displays the message to a user (col. 12 lines 7-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include a message to signify whether a successful transfer occurred as taught by Callaghan with the system as taught by Allen, Tsubaki, Hansen, and Strandwitz so that a user would know whether the transmission was successful.

Furthermore, Kanevski is found to teach a data destination sending instructions for the erasure of data after a transfer has occurred (col. 6 lines 9-11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include continuing to store data until successful transfer is verified, in combination with displaying of an error message as taught by Callaghan, within the system as taught by Allen, Tsubaki, Hansen, Strandwitz, and Callaghan, for the purpose of not only ensuring that data is not removed from the imaging device until it has been successfully transferred to another location, but also for notifying the user that a transfer of data was unsuccessful and therefore amount of available memory for additional acquisition has not been increased.

Claims 19-20 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in view of Strandwitz et al. (US 6,522,352), in further view of Kanevsky et al. (US 6,393,470.)

Regarding claim 19, Allen, Tsubaki, Hansen, and Strandwitz disclose all the limitations of claim 19 (see the 103(a) rejection to claim 18 supra) except wherein said system user subsequently accesses and utilizes said data from said data file location of said data destination by communicating with said data destination with an electronic data-access device.

Nevertheless, Kanevsky discloses a system user subsequently accesses and utilizes said data from a data file location of a data destination by communicating with

the data destination with an electronic data-access device ('470 – col. 2 lines 42-44.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessibility as taught by Kanevsky with the system as taught by Allen, Tsubaki, Hansen, and Strandwitz, in order to be able to later access the data in a convenient manner.

Regarding claim 20, Allen, Tsubaki, Hansen, Strandwitz, and Kanevsky disclose all the limitations of claim 20 (see the 103(a) rejection to claim 19 supra) in addition to disclosing a system wherein said system user accesses said data file location of said data destination through a distributed computer network by utilizing a personal computer device ('470 – col. 2 lines 42-44, col. 3 lines 8-26.)

Regarding claims 39-40, although the wording is different, the material is considered substantively equivalent to claims 19 and 20, respectively, as discussed above.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in further view of Kanevsky et al. (US 6,393,470.)

Regarding claim 42, Allen, Tsubaki, and Hansen disclose all the limitations of claim 42 (see the 103(a) rejection to claim 1/21 supra) except for disclosing a method wherein said imaging device includes a conversion software module for converting said data from a first format that is compatible with said imaging device into a second format that is compatible with said data destination.

Nevertheless, Kanevsky discloses a system for transferring data from an imaging device to a data destination wherein said imaging device includes a conversion software module for converting said data from a first format that is compatible with said imaging device into a second format that is compatible with said data destination (col. 4 lines 54-67.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the conversion as taught by Kanevsky with the system as taught by Allen, Tsubaki, and Hansen so that data may be safely and efficiently transmitted to the data destination.

Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki (US 6,701,058) in view of Examiner's Official Notice.

Regarding claim 44, Tsubaki discloses a system for transferring data comprising an imaging device that captures and stores images (fig. 1 indicator 10), a data destination configured to receive transferred images (fig. 1 indicator 20), and a transfer manager of the imaging device that monitors the memory of the imaging device and automatically transfers the images when a predetermined threshold is exceeded (fig. 5, col. 7 lines 20-32.)

Official Notice is taken that a program of instructions, executable by a machine and programmable directly into a machine, are easily transferred to a computer-readable medium; a concept that is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

have transferred the program of instructions to a program storage device readable by machine in order to increase the portability of the program from machine to machine.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,737,491) in view of Tsubaki (US 6,701,058), in view of Hansen (US 6,317,639), in further view of Examiner's Official Notice.

Regarding claim 47, Allen, Tsubaki, and Hansen disclose all of the limitations of claim 47 (see the 103(a) rejection to claim 1/21 supra) except for explicitly disclosing a method wherein a system user manually instructs said transfer manager to transfer said data to said data destination in a non-wireless manner by transmitting said data through a hard-wired physical connection. Nevertheless, Tsubaki discloses the current state of the art to which an improvement is sought, in which transfers occur by operation of the user ('058 – col. 1 lines 48-51; col. 2 lines 16-17.) It would have been obvious to one of ordinary skill in the art at the time of the invention, given the state of the art at the time of the invention, to effect transfer via a system user in order to give a user more control over operation of an imaging device. Furthermore, Examiner's Official Notice is taken regarding the use of a hard-wired physical connection to transfer data between an imaging device and a data destination; a concept that is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer said data to said data destination in a non-wireless manner by transmitting said data through a hard-wired physical connection in order to establish a dedicated and secure means of data transfer.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary C. Vieaux
Examiner
Art Unit 2622

Gcv2

NGOC YEN VU
SUPERVISORY PATENT EXAMINER